

REMARKS

Claims 1-9 and 23 were pending in the present application prior to this response. Claims 1-9 and 23 were rejected, and claims 10-18 were withdrawn from consideration. Claims 1, 6 and 23 have been amended herein. Claim 4 has been canceled herein. Claims 24-28 have been added herein and add no new matter to the application. Reconsideration of all rejected claims is requested.

I. Objection to the Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5). More specifically, the Office Action stated that Fig. 6 failed to show reference numerals 160, 162 and 164 as described in the specification.

The objection to the drawing has been overcome by the amendment made in the specifications on page 33, line 24, which replaces the erroneously written Fig. 6 with the correct Fig. 8. Fig. 8 includes the following reference numerals mentioned in the description: 160, 162 and 164.

II. Rejection of Claims 1, 2 and 4-7 Under 35 U.S.C. §102(b)

Claims 1, 2, and 4-7 were rejected under 35 U.S.C. §102(b) as being anticipated by Martin (U.S. Patent 3,617,759).

CLAIM 1

Claim 1 is independent and, as amended herein, is directed toward:

A scanning device comprising:
a substrate;
a linear array of photodetectors operatively connected to said substrate; and

at least two position sensors, each of said position sensors comprising:

a first portion wherein said first portion is operatively connected to said substrate;

a second portion wherein said second portion is movably connected to said first portion along a first axis; and

a two-dimensional photosensor array attached to said second portion.

In summary, Martin does not disclose all the elements of claim 1 and cannot anticipate claim 1. For example, Martin does not disclose "at least two position sensors" as claimed in claim 1. Even if the tracker (10) of Martin were a position sensor, which it is not, Martin does not disclose the use of at least two of the devices.

Furthermore, Martin does not disclose "a linear array of photodetectors" as claimed in claim 1. The "linear array of photodetectors" claimed in claim 1 is in addition to the position sensors. In fact, there is no disclosure whatsoever in Martin related to a linear array of photodetectors as claimed in claim 1.

As set forth above, Martin does not disclose all the elements of claim 1 and, therefore, Martin cannot anticipate claim 1.

For the reasons described above, the Applicant contends that the rejection of claim 1 has been overcome. The Applicant requests reconsideration of the rejection.

CLAIMS 2 and 4-7

Claims 2 and 4-7 are allowable by way of their dependence on allowable claim 1 and for other reasons. The Applicant requests reconsideration of the rejection.

III. Rejection of Claims 1-4, 6 and 7 Under 35 U.S.C. §102(b)

Claims 1-4, 6 and 7 were rejected under 35 U.S.C. §102(b) as being anticipated by Okumura et al. (U.S. Patent 5,040,124).

As with Martin, Okumura does not disclose all the elements of claim 1. For example, Okumura does not disclose "at least two position sensors" as claimed in claim 1.

Furthermore, Okumura does not disclose "a linear array of photodetectors" as claimed in claim 1. As set forth above, the "linear array of photodetectors" claimed in claim 1 is in addition to the position sensors claimed in claim 1.

As set forth above, Okumura does not disclose all the elements of claim 1. Therefore, Okumura cannot anticipate claim 1.

For the reasons described above, the Applicant contends that the rejection of claim 1 has been overcome. The Applicant requests reconsideration of the rejection.

CLAIMS 2-4, 6 and 7

Claims 2-4, 6 and 7 are allowable by way of their dependence on allowable claim 1 and for other reasons. The Applicant requests reconsideration of the rejection.

IV. Rejection of Claims 8 and 9 Under 35 U.S.C. §103(a)

Claims 8 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over either one of Martin or Okumura et al.

Claims 8 and 9 are allowable by way of their dependence on allowable claim 1 and for other reasons. The Applicant requests reconsideration of the rejection.

V. Rejection of Claim 23 Under 35 U.S.C. §102(b)

Claim 23 was rejected under 35 U.S.C. §102(b) as being anticipated by Martin (U.S. Patent 3,617,759).

CLAIM 23

Claim 23 is independent and, as amended herein, is directed toward:

A scanning device comprising:

a substrate;

a linear array of photodetector means associated with said substrate for converting an image of a two-dimensional portion of a surface to machine-readable data; and

at least two position sensor means for determining the position of said linear array relative to said surface, wherein said each of said position sensor means comprises:

a first portion wherein said first portion is operatively connected to said substrate; and

a second portion wherein said second portion is movably connected to said first portion along a first axis.

Claim 23 was rejected on the same grounds as claim 1. Accordingly, the comments regarding claim 1 are incorporated herein.

Martin does not disclose "at least two position sensor means for determining position of said linear array relative to said surface" as claimed in claim 23. Furthermore, Martin does not disclose a "linear array of photodetectors" as claimed in claim 23. The Applicant notes that the "linear array of photodetectors" claimed in claim 23 is in addition to the position sensors.

As set forth above, Martin does not disclose all the elements of claim 23 and, therefore, Martin cannot anticipate claim 23.

For the reasons described above, the Applicant contends that the rejection of claim 23 has been overcome. The Applicant requests reconsideration of the rejection.

VI. New Claims

New claims 24-28 have been added herein. The claims add no new matter to the application. The Applicant respectfully requests that claims 24-28 be allowed.

All of the pending claims are believed to be in condition for allowance and a notice to that effect is earnestly solicited.

Respectfully submitted,
KLAAS, LAW, O'MEARA & MALKIN, P.C.

Date: September 12, 2003

By: 

Robert W. Nelson
Reg. No. 37,898
1999 Broadway, Suite 2225
Denver, CO 80202
Tel: (303) 298-9888
Fax: (303) 297-2266